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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IBEW LOCAL 595 HEALTH & WELFARE  
9 TRUST FUND, et al.,

No. C 09-05870 SI

10 Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATIONS AND  
GRANTING MOTION FOR DEFAULT  
JUDGMENT**

11 v.

12 ACS CONTROLS CORPORATION,

13 Defendant.  
14 \_\_\_\_\_/

15 Plaintiffs filed this ERISA action on December 15, 2009, alleging that defendant violated the  
16 terms of a collective bargaining agreement (“CBA”) and certain Trust Agreements by failing to make  
17 regular contributions to the IBEW Local 595 Health & Welfare Trust Fund; IBEW Local 595 Money  
18 Purchase Pension Trust Fund; IBEW Local 595 Vacation Fund; IBEW Local 595 Apprentice & Training  
19 Fund; Electrical Contractors Trust; Contractors Administration Fund; and Labor Management  
20 Cooperation Fund (“Trust Funds”). Plaintiffs seek damages for unpaid contributions, liquidated  
21 damages, interest, attorneys’ fees and costs.

22 Defendant failed to answer the complaint or otherwise appear in this action, and default was  
23 entered on January 28, 2010. Plaintiffs filed a motion for default judgment, which was heard by  
24 Magistrate Judge Laporte on May 11, 2010. After holding a hearing on the motion, Magistrate Judge  
25 Laporte issued a Report and Recommendations recommending that plaintiffs’ motion be granted, subject  
26 to certain modifications. The matter was subsequently reassigned to this Court.

27 The Court has reviewed the Report and Recommendations. No party has filed written objections  
28 to the Report and Recommendations. The Court hereby ADOPTS the Report and Recommendations


1 in full and GRANTS plaintiffs' motion for default judgment. (Docket No. 13). The Court orders that  
2 default judgment be entered in favor of plaintiffs and against defendant as follows:

3	Damages for unpaid contributions:	\$29,749.36
4	Liquidated damages:	\$2,538.74
5	Interest:	\$1,779.72
6	Attorneys' fees:	\$8,860.50
7	Costs:	\$500.81
8	<b>TOTAL:</b>	<b>\$43,429.13</b>

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10 **IT IS SO ORDERED.**

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12 Dated: June 1, 2010

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SUSAN ILLSTON  
United States District Judge